United Nations S/RES/1863 (2009)

Security Council

Distr.: General
16 January 2009

Resolution 1863 (2009)

Adopted by the Security Council at its 6068th meeting, on 16 January 2009

The Security Council,

Recalling its previous resolutions concerning the situation in Somalia, in particular resolution 733 (1992), resolution 751 (1992), resolution 1356 (2001), resolution 1425 (2002), resolution 1519 (2003), resolution 1725 (2006), resolution 1744 (2007), resolution 1772 (2007), resolution 1801 (2008), resolution 1811 (2008), resolution 1814 (2008), resolution 1831 (2008), and resolution 1844 (2008) and the statements of its President, in particular those of 13 July 2006 (S/PRST/2006/31), 22 December 2006 (S/PRST/2006/59), 30 April 2007 (S/PRST/2007/13), 14 June 2007 (S/PRST/2007/19), 19 December 2007 (S/PRST/2007/49), and 4 September 2008 (S/PRST/2008/33),

Reiterating its commitment to a comprehensive and lasting settlement of the situation in Somalia,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Further reaffirming that the Djibouti Peace Agreement represents the basis for a resolution of the conflict in Somalia, and *stressing* the importance of broad-based and representative institutions reached through a political process ultimately inclusive of all,

Welcoming the guiding principles agreed by the parties to the Djibouti Peace Agreement on 25 November 2008, in particular the establishment of a Unity Government and an inclusive Parliament,

Recognizing the need for all parties to contribute to an enhanced political process, *calling on* the Somali parties to the Djibouti Peace Agreement to fulfil their obligations set out therein, and *taking note* of the request from the parties for United Nations authorization and deployment of an international stabilization force,

Welcoming the contribution of the African Union Mission to Somalia (AMISOM) to lasting peace and stability in Somalia, *expressing* its appreciation for the continued commitment of the Governments of Uganda and Burundi in Somalia, *condemning* any hostilities toward AMISOM, and *stressing* the importance of reestablishment, training and retention of Somali security forces,

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Welcoming the Secretary-General's proposal for a partnership between the Somali parties, the United Nations, AMISOM and other international partners to develop a program of assistance to build Somali security capacity,

Reiterating its serious concern at the worsening humanitarian situation in Somalia, and *calling on* all Member States to contribute to current and future consolidated humanitarian appeals,

Recognizing that serious crimes have been committed against civilians in the ongoing conflict in Somalia and *reaffirming* the importance of the fight against impunity,

Noting the statement and 5-point communiqué of the African Union of 10 December 2008 and 22 December 2008 respectively, whereby the African Union Peace and Security Council calls for an interim stabilization force in anticipation of a United Nation peacekeeping operation in Somalia in order to take over from AMISOM and support the long-term stabilization and reconstruction of that country,

Determining that the situation in Somalia constitutes a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes* the decision of the African Union that AMISOM will remain in Somalia until 16 March 2009, and *requests* the African Union to maintain AMISOM's deployment in Somalia and to reinforce that deployment to help achieve AMISOM's originally mandated troop strength of 8,000 troops, thereby enhancing the mission's capability to carry out its mandate and protect key installations in Mogadishu, including the airport, seaport and other strategic areas;

2. *Decides* to renew for up to six months from the date of this resolution the authorization of Member States of the African Union to maintain a mission in Somalia, which shall be authorized to take all necessary measures to carry out the mandate set out in paragraph 9 of resolution 1772 (2007); and *underlines*, in particular, that AMISOM is authorized to take all necessary measures to provide security for key infrastructure and to contribute, as may be requested and within its capabilities and existing mandate, to the creation of the necessary security conditions for the provision of humanitarian assistance;

3. *Calls upon* the Somali parties and other stakeholders to uphold the principles of the Djibouti Peace Agreement, to cease hostilities, to ensure without delay unhindered humanitarian access and assistance to the Somali people, to terminate all acts of armed confrontation, to reach agreement on permanent ceasefire mechanisms, and to use the Joint Security Committee to resolve disputes over military issues; and *requests* the Secretary-General to report on ways to improve the implementation of the Djibouti Peace Agreement, including the option of an international peace conference to include local, regional and international actors;

4. *Expresses* its intent to establish a United Nations Peacekeeping Operation in Somalia as a follow-on force to AMISOM, subject to a further decision of the Security Council by 1 June 2009;

5. *Requests* the Secretary-General to submit a report for a United Nations Peacekeeping Operation by 15 April 2009, to include developments in the situation

in Somalia, progress towards the full deployment and strengthening of AMISOM with a view to transition to a United Nations Peacekeeping Operation, progress in the political process and security conditions on the ground, in order to inform the Security Council of his assessment in advance of the decision referred to in paragraph 4 above and with a view to speedy deployment;

6. *Further requests* the Secretary-General in this report to develop recommendations on the mandate of such a United Nations Peacekeeping Operation taking into account the following tasks in Mogadishu and its environs:

(a) To facilitate humanitarian assistance and improve humanitarian access, including by securing key humanitarian infrastructure and maintaining liaison with all parties to the Djibouti Peace Agreement and related subsequent agreements, and to facilitate delivery of humanitarian assistance to internally displaced persons, children, and other affected persons;

(b) To assist with the free movement, safe passage and protection of those involved in the political process, to provide security for key political infrastructure, and to protect and assist the institutions of a future Unity Government to help them carry out their functions;

(c) To monitor, within its capabilities, the implementation of the cessation of hostilities under the Djibouti Peace Agreement, as well as any subsequent ceasefire arrangements and joint security arrangements agreed through the Joint Security Committee (JSC), to liaise with the JSC and provide technical assistance in the implementation of its functions, including in the investigation of ceasefire violations, and to support in the monitoring of illegal weapons traffic by informing the Monitoring Group of any related information;

(d) To ensure the security and freedom of movement of United Nations personnel and to protect its personnel, facilities, installations, equipment and mission;

(e) To assist, in conjunction with regional and international donor partners and other interested parties, in supporting the effective re-establishment, training and retention of inclusive Somali security forces, including military, police, and judiciary;

7. *Affirms* that the provisions set out in paragraphs 11 and 12 of resolution 1772 (2007) shall continue to apply;

8. *Requests* the Secretary-General to establish a trust fund to provide financial support to AMISOM until a United Nations Peacekeeping Operation is deployed and to assist in the reestablishment, training and retention of all-inclusive Somali security forces as provided in paragraph 4 (c) of resolution 1744 (2007); *also requests* the Secretary-General to hold a donors conference to solicit contributions to this trust fund as soon as possible; *further requests* the African Union, in consultation with the Secretary-General, to submit budgetary requests to this trust fund; and *calls upon* Member States to contribute to the trust fund, while noting that the existence of the trust fund does not preclude the conclusion of direct bilateral arrangements in support of AMISOM;

9. *Stresses* the need to create the conditions for the Special Representative of the Secretary-General to continue to make progress on the political process;

10. *Welcomes* the recommendations contained in the Secretary-General's letter of 19 December 2008 on strengthening AMISOM (S/2008/804); *recalls* that the Security Council bears primary responsibility for the maintenance of international peace and security and that cooperation with regional and subregional organizations can improve collective security; *further recalls* that in resolution 1772 (2007) it called for planning for possible deployment of a United Nations Peacekeeping Operation replacing AMISOM and in resolution 1744 (2007) it took note that AMISOM was intended to contribute to an initial stabilization phase evolving into a possible United Nations operation; *welcomes* in this regard the Secretary-General's proposal for immediate in kind enhancement of AMISOM through the transfer of assets following the liquidation of United Nations Mission in Ethiopia and Eritrea (UNMEE); and *requests* the Secretary-General, in order for AMISOM's forces to be incorporated into a United Nations Peacekeeping Operation, to provide a United Nations logistical support package to AMISOM including equipment and services, as described in paragraphs 7 and 8 of his proposal (S/2008/804) but not including transfer of funds to AMISOM, until 1 June 2009 or until the decision referred to in paragraph 4 above, whichever is earlier;

11. *Requests* the Secretary-General to oversee the assistance referred to in paragraph 10 above and *further requests* the Secretary-General to report no later than January 30 on the precise equipment and services being provided and to report to the Security Council at 30-day intervals thereafter on progress in the deployment of such goods and services;

12. *Requests* AMISOM to ensure all equipment and services provided by the United Nations pursuant to this resolution be used in a transparent and effective manner for the purposes intended and *further requests* AMISOM to report to the Secretary-General on the usage of such equipment and services in a manner to be detailed in a Memorandum of Understanding between the United Nations and the African Union based on appropriate internal control procedures;

13. *Requests* the Secretary-General to lend his support to African Union force generation efforts, to continue to support African Union planning and deployment preparations through the Secretariat's Planners team in Addis Ababa and to continue planning, in close cooperation with the African Union, for force generation and logistical, administrative, financial and other arrangements necessary to transition from AMISOM to a United Nations Peacekeeping Operation;

14. *Calls upon* Member States to contribute personnel, equipment, and other resources to AMISOM; and *encourages* Member States to cooperate closely with the African Union, the United Nations, troop contributing countries and other donors to this end;

15. *Calls upon* all parties to cooperate fully in the deployment and operations of AMISOM, in particular by guaranteeing the safety, security, and freedom of movement of African Union and United Nations personnel as well as associated personnel throughout Somalia and to comply fully with their obligations under international law, including international humanitarian, human rights and refugee law;

16. *Requests* the Secretary-General, through his Special Representative for Somalia, to coordinate all activities of the United Nations system in Somalia, to provide good offices and political support for the efforts to establish lasting peace

and stability in Somalia and to mobilize resources and support from the international community for both immediate recovery and long-term economic development of Somalia; *decides* that the United Nations Political Office for Somalia (UNPOS) and the United Nations country team shall continue to promote a lasting peace and stability in Somalia through the implementation of the Djibouti Peace Agreement, and to facilitate coordination of international support to these efforts; and *requests* the Secretary-General to conduct immediate contingency planning for the deployment of United Nations offices and agencies into Somalia;

17. *Demands* that all States in the region refrain from any action that might exacerbate instability in Somalia or the Horn of Africa region, and reiterates its intention to take measures against those who seek to prevent or block a peaceful political process, or those who threaten participants in the political process by force, or those who undermine stability in Somalia or the region;

18. *Calls upon* Member States to contribute to current and future consolidated humanitarian appeals;

19. *Reaffirms* its resolutions 1325 (2000) and 1820 (2008) on women, peace and security, and 1674 (2006) and 1738 (2006) on the protection of civilians in armed conflict, and *stresses* the responsibility of all parties and armed groups in Somalia to take appropriate steps to protect the civilian population in the country, consistent with international humanitarian, human rights and refugee law, in particular by avoiding any indiscriminate or excessive use of force in populated areas;

20. *Reaffirms* its resolutions 1539 (2004) and 1612 (2005) on children and armed conflict and recalls the subsequent conclusions of the Security Council Working Group on Children and Armed Conflict pertaining to parties to the armed conflict in Somalia (S/AC.51/2007/14);

21. *Calls upon* the Somali parties to make further progress on establishing joint Transitional Security Forces, which ultimately would assume full responsibility for providing security in Somalia;

22. *Requests* the Secretary-General to advise urgently on the implementation of his plans to assist the Transitional Federal Government (TFG) and the Alliance for the Re-liberation of Somalia (ARS) in developing and coordinating, through his Special Representative for Somalia, in conjunction with the United Nations Development Programme (UNDP), other international donors, Member States and AMISOM as appropriate, a coherent strategy and package for command and control, training and equipment to build Somalia's joint Transitional Security Forces and Police to an anticipated strength of some 15,000 personnel, as envisaged in his letter of 19 December 2008 (S/2008/804) and in line with the recommendations of the TFG/ARS Joint Security Committee, as well as rule of law and correctional facilities, and other key areas identified by the Somali parties; and *calls upon* Member States to contribute to this package;

23. *Calls upon* Member States, in response to the Secretary-General's letter of 19 December 2008 (S/2008/804), to support strengthening and building capacity of the Somali government at the federal, state and local level, particularly in areas of institutional development, human resource development, public finance management and accountability processes and support to service delivery;

24. *Welcomes* the Secretary-General's proposal of 19 December 2008 (S/2008/804) to establish within UNPOS a dedicated capacity that would include expertise in police and military training, planning for future Disarmament, Demobilisation and Reintegration activities and Security Sector Reform activities, as well as a rule of law and correction components;

25. *Decides* to remain actively seized of the matter.